

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	:	
v.	:	3:CR-11-134
	:	(NEALON, D.J.)
ROBERT K. WEST	:	(MANNION, M.J.)
	:	
Defendant		

REPORT AND RECOMMENDATION¹

By order dated April 20, 2011, the above captioned case was referred to the undersigned for a felony change of plea hearing. (Doc. No. [4](#)). The defendant, together with counsel for the parties, appeared before the undersigned on May 2, 2011, and the defendant consented, in writing, to proceed before a United States Magistrate Judge for the purpose of entering a plea of guilty in a felony case. (Doc. No. [7](#)). The defendant also waived the right to proceed by indictment, in writing, and agreed to proceed by felony information. (Doc. No. [8](#)).

At the hearing, the court advised the defendant of his rights and conducted a full guilty plea colloquy pursuant to [Federal Rule of Criminal Procedure 11](#). By separate order this date, a presentence report is to be prepared, with disclosure to the parties on or before June 27, 2011. (Doc. No. [9](#)).

As a result of the above, the undersigned finds that:

¹For the convenience of the reader of this document in electronic format, hyperlinks to the court's record and to authority cited have been inserted. No endorsement of any provider of electronic resources is intended by the court's practice of using hyperlinks.

1. The defendant is competent to enter a plea of guilty;
2. The defendant understands his constitutional and procedural rights;
3. The defendant is aware of the nature of the charges and the potential consequences of the guilty plea;
4. The defendant has knowingly and voluntarily entered into the plea agreement which was disclosed in open court;
5. The plea of guilty is knowing, voluntarily and has an appropriate factual basis.

In light of the foregoing, **IT IS HEREBY RECOMMENDED THAT** the district judge enter an order adjudging the defendant guilty of knowingly, intentionally and voluntarily conspiring to commit criminal offenses in violation of [18 U.S.C. §371](#).

s/ Malachy E. Mannion
MALACHY E. MANNION
United States Magistrate Judge

Date: May 2, 2011

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